

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

**WILLIE PATTERSON,**

Plaintiff,

v.

**LOWNDES COUNTY JAIL,  
ASHLEY PAULK (SHERIFF),  
SECURED HEALTH CARE  
SERVICES, SHIRLEY LEWIS,  
and LOUISE WHITE,**

Defendants.

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Civil Action No. 7:05-cv-4 (HL)

**WILLIE PATTERSON,**

Plaintiff,

v.

**ASHLEY PAULK, individually and  
in his capacity as Sheriff,  
LOWNDES COUNTY JAIL STAFF  
and PERSONNEL,  
SECURED HEALTH CARE  
SERVICES and STAFF, SHIRLEY  
LEWIS and LOUISE WHITE,**

Defendants.

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Civil Action No. 7:05-cv-5 (HL)

**ORDER**

Plaintiff, Willie Patterson, has two nearly identical cases pending in this Court. The first, Case No. 7:05-cv-04, was filed on January 14, 2005, and the second, Case No. 7:05-cv-05, was

filed on January 28, 2005. The Magistrate Judge, acting *sua sponte* after becoming aware of the two nearly identical cases, entered a Recommendation to dismiss Case No. 7:05-cv-05 [doc 10]. Plaintiff filed objections to the Recommendation, as permitted by 28 U.S.C. § 636(b)(1).

As originally filed, the Defendants and the allegations in the two cases were the same. However, the cases have progressed differently in this Court. In Case No. 7:05-cv-4, Sheriff Ashley Paulk and Nurse Shirley White were dismissed following initial review. In Case No. 7:05-cv-5, Sheriff Ashley Paulk and Nurse Shirley White remain as Defendants. Furthermore, at the direction of the Court, Plaintiff filed a supplement to his complaint in 7:05-cv-5. Thus, although initially the same, the cases are no longer identical, and there are Defendants and claims remaining in Case No. 7:05-cv-5 that have been dismissed by the Court in 7:05-cv-4. These differences were noted by Plaintiff in his objections filed with the Court.

Because Case No. 7:05-cv-5 has Defendants and claims remaining that have been dismissed from Case No. 7:05-cv-4, the Court is of the opinion that it would be inequitable to dismiss Case No. 7:05-cv-5. Therefore, the Court rejects the Recommendation of the Magistrate Judge in this regard. However, the Court agrees with the Magistrate Judge that it is inappropriate for the two cases to proceed independently. Because all of the claims presented in Case No. 7:05-cv-4, as well as all of the Defendants named in Case No. 7:05-cv-4, are also present in Case No. 7:05-cv-5, the Court will dismiss Case No. 7:05-cv-4 instead.

In accordance with the foregoing, therefore, the Court directs as follows:

1. The Recommendation of the Magistrate Judge entered February 1, 2006 [doc 10] is rejected.
2. Case No. 7:05-cv-4 is dismissed. The Clerk is directed to close the case.
3. Case No. 7:05-cv-5 continues to be referred to the Magistrate Judge for such proceedings as may be appropriate, including such action as he deems appropriate on Plaintiff's letter to the Clerk which was docketed on February 27, 2006, as a Motion to Appoint Counsel and to Amend Complaint [doc 12].

**SO ORDERED**, this the 21<sup>st</sup> day of June, 2006.

**s/ Hugh Lawson**  
**HUGH LAWSON, JUDGE**

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